

Application No. 10/731,406  
Amendment Dated March 10, 2005  
Reply to Office Action of December 17, 2004

**REMARKS/ARGUMENTS:**

Claims 1 – 37 are currently pending in the application, with claims 1, 14, 25, 31 and 35 being independent.

Applicants have carefully considered the contents of the Office Action and respectfully request reconsideration and reexamination of the subject application in view of the explanations noted below.

**Rejections under 35 U.S.C. § 102(b)**

Claims 1 – 4, 9 – 11 and 31 – 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,893,773 to Fujimoto (the Fujimoto '773 patent). Applicants respectfully traverse this rejection, since the Fujimoto patent clearly does not disclose, teach or render obvious the subject matter of claims 1 – 4, 9 – 11 and 31 – 34.

Amended independent claims 1 and 31 each recite, *inter alia*, a bracket for securing an electrical box to a support having first and third legs, and a second leg connecting the first leg to the second leg such that the first and second legs extend in substantially the same direction from the second leg.

U.S. Patent No. 4,893,773 to Fujimoto discloses an article holder for use in a car door, as shown in FIGS. 2 - 4. The article holder has an insertion portion 1, a lateral holding portion 2, and a longitudinal holding portion 3. A truncated disc member 4 and a lateral article support member 5 are defined by a cut line extending from the lateral holding portion 2 to the longitudinal holding portion 3. A plurality of fold lines 11 in the lateral article support member 5 allow the article holder to be adjusted.

The Fujimoto '773 patent does not disclose or suggest using the article holder to secure an electrical box to a support. The article holder is adapted to be inserted in a car door for holding beverage containers, as shown in FIGS. 3 and 4. There is no disclosure or suggestion that the article holder of the Fujimoto '773 patent may be used to secure an electrical box to a support, as recited in independent claims 1 and 31. Moreover, the article holder of the Fujimoto '773 patent is not suitable to secure an electrical box to a support. Substantial modification of the Fujimoto '773 article holder is necessary for the article holder

Application No. 10/731,406  
Amendment Dated March 10, 2005  
Reply to Office Action of December 17, 2004

to be capable of securing an electrical box to a support. Since all the features of independent claims 1 and 31 are not disclosed or suggested, the Fujimoto '773 patent does not anticipate or render obvious independent claims 1 and 31.

The Fujimoto '773 patent also does not disclose or suggest an adjustable member formed by the cut-out to facilitate securing the bracket to a support, as recited in independent claim 1. The adjustable member formed by the cut-out of the Fujimoto '773 patent defines a lateral article support member 5 adapted to have a cup 13 placed thereon and a truncated disc portion 4 adapted to prevent movement of the cup. Col. 3, lines 24 – 28. Engagement member 6 and support member 7 of the Fujimoto '773 patent are used to strengthen the support between the article holder and the car door. However, neither the engagement member 6 nor the support member 7 are formed by a cut-out extending from a first leg onto a third leg. Moreover, the weight of a cup on the lateral article support member 5 pulling the article holder away from the car door would render the support member 5 and truncated disc 4 completely ineffective regarding securing the article holder to the car door. Thus, the support member 5 and truncated disc portion 4 do not facilitate securing the article holder to the car door. There is no feature of the cut-out portion of the article holder disclosed or suggested that facilitates securing the article holder to the car door

Furthermore, the Fujimoto '773 patent does not disclose or suggest a securing member pivotally coupled to the first leg and at least a portion of which is received in the cut-out. The truncated disc portion 4 extends substantially perpendicularly from the lateral holding portion (third leg) 2. The lateral article support member 5 extends substantially perpendicularly from the longitudinal holding portion (first leg) 3. Thus, there is no portion of the truncated disc portion 4 and the lateral article support member 5 that is received in the cut-out, as recited in independent claim 31.

Therefore, the Fujimoto '773 patent does not anticipate or render obvious Applicants' invention recited in claims 1 and 31.

Claims 2 – 13 and 32 - 34, being dependent upon amended independent claims 1 and 31, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the second leg of the bracket having a plurality of weld projections of claim 5; the second leg of the bracket

Application No. 10/731,406  
Amendment Dated March 10, 2005  
Reply to Office Action of December 17, 2004

having a bent distal end of claim 7; the second leg of the bracket having a step of claim 8; the securing member being integral with the first leg of claim 32; the securing member having a longitudinal length extending substantially to an end of the first leg of claim 33; and the first and third legs being substantially perpendicular of claim 34. Therefore, dependent claims 2 – 13 and 32 – 34 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

**Rejections under 35 U.S.C. § 103(a)**

Claim 10 is rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 4,893,773 to Fujimoto (the Fujimoto '773 patent). Applicants respectfully traverse this rejection, since the Fujimoto patent clearly does not disclose, teach or render obvious the subject matter of dependent claim 10.

Since claim 10 depends on independent claim 1, which is allowable for the reasons discussed above, claim 10 is not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination

**Allowable Subject Matter**

Applicants note with appreciation that objected to claims 5 – 8, 12 and 13 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

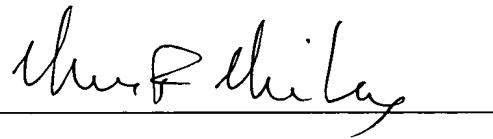
Claims 14 – 30 and 35 – 37 are indicated as being allowable over the cited prior art of record.

Application No. 10/731,406  
Amendment Dated March 10, 2005  
Reply to Office Action of December 17, 2004

\* \* \*

In view of the foregoing amendment and comments, Applicants respectfully submit that claims 1 – 37 are allowable over the cited patents. Prompt and favorable action is solicited.

Respectfully Submitted,



Marcus R. Mickney  
Reg. No. 44,941

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, DC 20036  
(202) 659-9076

Dated: MARCH 10, 2005